

Appl. No. 09/729,939
Amdt. dated June 4, 2004
Response to Office Action of March 30, 2004

REMARKS

This is in response to the Office Action mailed March 30, 2004. The Office Action objected to the form of the Abstract. Claims 1-3, 8-14, 16-27 and 29-34 were rejected as obvious in view of the combination of U.S. Pat. No. 6,029,173 ("Meek") and U.S. Pat. No. 6,256,038 ("Krishnamurthy"), Claims 4, 15, 28 and 35 were rejected as obvious in view of the combination of Meek, Krishnamurthy and U.S. Pat. No. 6,639,592 ("Dayanand"), and Claims 5-7 were rejected as obvious in view of the combination of Meek, Krishnamurthy and U.S. Pat. No. 6,253,164 ("Rohm").

Applicants respectfully request reconsideration of the present application. Applicants submit that Claims 1-35 are in condition for allowance.

Specification

Applicants have amended the Abstract as suggested by the Examiner.

Independent Claims 1, 14, 16, 23 and 29

Applicants' independent Claims 1, 14, 16, 23 and 29 were rejected as obvious in view of the combination of Meek and Krishnamurthy. Applicants respectfully request the Examiner to withdraw these rejections because the Meek patent is not available as prior art to the present application for purposes of 35 U.S.C. §103.

The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103 so that subject matter which is prior art under 35 U.S.C. § 103 via § 102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (See, MPEP 706.02(1)(1)).

Applicants point out that the Meek patent and the present application, at the time the invention of the present application was made, were commonly owned. Therefore, due to the amendment of 35 U.S.C. § 103(c), the Meek patent is not available as prior art against the claims of the present application. Accordingly, Applicants request that the rejection of Claims 1-35 under 35 U.S.C. § 103 be withdrawn.

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Furthermore, there is no suggestion or motivation to combine the Meek and Krishnamurthy references. In fact, Krishnamurthy is nonanalogous art to the present application. Briefly, Krishnamurthy discloses a parameterized surface fitting technique that uses B-splines applicable to form 3-D models of objects for industrial designs, CNC milling manufacturing, and medical imaging. (*See*, Krishnamurthy: Col. 49, lines 23-26). The Krishnamurthy algorithm takes as input an unparameterized polygon mesh representation of a surface of an object. (*See*, Krishnamurthy: Col. 2, lines 31-32). This polygon mesh representation is collected using lasers, white light and photometry on the object. (*See*, Krishnamurthy: Col. 3, lines 20-26). Krishnamurthy fails to mention geographic features and geographic data, and one skilled in the art would not consider applying Krishnamurthy's parameterized surface fitting for industrial design and milling manufacturing to the field of geographic data. Moreover, because the areas of application of the Krishnamurthy method are so diverse and distinct from the geographic field of Meek, there is no suggestion or motivation to combine the references.

For at least the above reasons, the rejection of Applicants' independent Claims 1, 14, 16, 23 and 29 in view of the combination of Meek and Krishnamurthy should be withdrawn.

Dependent Claims 2-13, 15, 17-22, 24-28 and 30-35

Applicants' dependent Claims 2-13, 15, 17-22, 24-28 and 30-35 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

Information Disclosure Statement

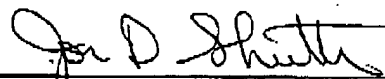
Applicants have filed a third information disclosure statement on June 3, 2004. A courtesy copy of the third information disclosure statement is attached as Exhibit 1. Applicants request the Examiner to consider and indicate that the reference submitted with the third information disclosure statement was considered by including the Examiner's initials next to the reference. For the convenience of the Examiner, a copy of the form PTO 1449 is included with this response.

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C nclusi n

With the present response, all the issues in the Office Action mailed March 30, 2004 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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